United Nations CEDAW/C/TUR/CO/7

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Turkey*

1. The Committee considered the seventh periodic report of Turkey (CEDAW/C/TUR/7) at its 1415th and 1416th meetings, on 13 July 2016 (see CEDAW/C/SR.1415 and 1416). The Committee's list of issues and questions is contained in CEDAW/C/TUR/Q/7 and the responses of Turkey are contained in CEDAW/C/TUR/Q/7/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its seventh periodic report. It is concerned, however, that the involvement of civil society organizations in the preparation of the report was relatively low. The Committee appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its large delegation, which was headed by the General Director of the General Directorate of the Status of Women, Ministry of Family and Social Policies, Gülser Ustaoğlu, and also included representatives of the Ministry of Family and Social Policies, the Ministry of Food, Agriculture and Livestock, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Social Security, the Ministry of National Education and the Permanent Mission of Turkey to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's sixth periodic report (CEDAW/C/TUR/6) in undertaking

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legislative reforms, in particular the adoption of Law No. 6284 on the Prevention of Violence against Women and the Protection of the Family, in 2012.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National employment strategy (2014-2023);

(b) Tenth development plan (2014-2018);

(c) National action plan on the empowerment of rural women (2012-2016).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2011;

(b) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in 2012.

C. Principal areas of concern and recommendations

Current context

7. Given the events that immediately followed the dialogue with the State party and their potential impact on the human rights of women, the Committee exceptionally wishes to express its concerns regarding the current context of insecurity, including the recent attempted coup against the Government. They relate to the numerous measures taken by the Government, including removal of large numbers of members of the judiciary, academic institutions and civil servants, including teachers. The Committee is further concerned that those measures could negatively affect the overall framework for the enjoyment of women's human rights.

8. The Committee urges the State party to uphold its commitment to human rights, the rule of law, the independence of the judiciary and the preservation of the freedom of expression. It calls upon the State party to respect, protect and fulfil women's human rights and to preserve the constitutional order, including the guarantees of human rights. The Committee also calls upon the State party to respect the Convention, given that it represents a major factor of peace, security and sustainable development, as reaffirmed by the Security Council in its resolutions 1325 (2000) and 1820 (2008), as well as by the Committee in its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and given that gender equality is a condition for democratic and peaceful order.

Parliament

9. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Grand National Assembly, in line with its

mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Civil society organizations

10. The Committee is concerned about the increasingly restrictive and oppressive measures taken over the years, such as imprisonment, against representatives of civil society organizations, women's organizations, women human rights defenders, journalists and other activists, including those in the Kurdish community.

11. **The Committee recommends that the State party provide an enabling and conducive environment for the establishment and active involvement of women's and human rights organizations in promoting the implementation of the Convention and all other international human rights instruments in the State party.**

Kurdish women

12. The Committee is concerned about the persistent disadvantaged situation of Kurdish women that is exacerbated by prejudice against their ethnic and linguistic identity, leading to their further marginalization with respect to their civil, political, economic, social and cultural rights.

13. **The Committee calls upon the State party to address the inequalities faced by Kurdish women, which are compounded by the intersecting forms of discrimination to which they are subjected. It recommends that the State party take all measures necessary to bridge the gap between Kurdish women and other women in the State party, and ensure the fulfilment of the State party's obligations under the Convention towards all women under its jurisdiction, including Kurdish women.**

Refugee and asylum-seeking women

14. The Committee notes with appreciation that the State party has welcomed more than 2.5 million refugees, mainly Syrians, and allocated significant resources to catering for their needs. The Committee is concerned, however, about the precarious and insecure living conditions of female refugees, both inside and outside the refugee camps, who are often deprived of basic services and essential goods, education, economic opportunities, health care, clothing, food, heating and hygiene articles, and are at heightened risk of sexual and other forms of violence. The Committee is furthermore concerned about:

(a) The significant increase of prostitution in areas with high concentrations of Syrian refugees, particularly among girls and young women between 15 and 20 years of age, who often resort to prostitution to be able to gain access to food and other essential goods for themselves and their children;

(b) The pervasive underreporting of gender-based violence against refugee women, including sexual violence, and the limited availability of specialized services;

(c) Forced marriages of refugee women and girls to Syrian and Turkish men, often in polygamous marriages, for socioeconomic reasons or protection purposes.

15. The Committee recommends that the State party take prompt measures to improve the security of women and girl refugees and asylum seekers, increase access to basic services and essential goods, including food, clothing and hygiene articles, for refugee women and their children and ensure that they are not compelled into sexual or labour exploitation. It recommends that the State party:

(a) Ensure access by refugee and asylum-seeking women and girls to education, training and livelihood opportunities and health care;

(b) Provide capacity-building programmes for law enforcement authorities on the strict application of the State party's laws, including international conventions to which the State is a party, to cases of gender-based violence, including sexual violence, against refugee and asylum-seeking women and girls;

(c) Ensure that refugees and asylum seekers, in particular women, are informed about the national referral mechanisms for victims of sexual and gender-based violence and how to gain access to the formal justice mechanism.

Legal status and visibility of the Convention

16. The Committee welcomes the fact that, according to article 90 of the Constitution, international treaties ratified by the State party, including the Convention, form an integral part of national law and that, accordingly, any violation of the rights enshrined in the Convention may be challenged by citizens before the Constitutional Court. It notes, however, the absence of information about court proceedings, including direct applications to the Constitutional Court since September 2012, in which provisions of the Convention were directly invoked or applied, which may indicate a continuing lack of awareness in society in general, and among women in particular, and insufficient knowledge among the judiciary of the Convention, notwithstanding the training programmes provided under the Justice Academy.

17. The Committee recommends that the State party enhance capacity-building programmes for judges, prosecutors, lawyers and law enforcement officials on the application of international legal norms and standards relating to women's human rights, including the Convention and the jurisprudence of the Committee, and make information on those instruments available to all women and girls, inter alia by posting translations in the national and local languages of the Convention, the Optional Protocol thereto and all general recommendations issued by the Committee on the relevant government websites.

Discriminatory legislation

18. The Committee notes that the State party is making efforts to repeal laws that are discriminatory towards women. It is concerned, however, that certain discriminatory legislation remains in place, including:

(a) Article 287 of the Penal Code on "genital examinations", according to which virginity testing authorized by a judge or prosecutor remains legal even if the woman or girl does not consent to the intrusive practice, which constitutes a violation of both her privacy and her physical and mental integrity;

(b) Article 13 of the Regulation for the Implementation of Uterine Evacuation and Sterilization Services and their Supervision based on Law No. 2827 on Population Planning, according to which the termination of the pregnancy of a married woman is subject to "spousal authorization".

19. **The Committee recommends that the State party make all efforts necessary to ensure that all laws that are discriminatory towards women are repealed, and:**

(a) **Amend the Penal Code and abolish the provision allowing for genital examinations, including virginity testing, to be performed on a woman or girl without her consent. It also recommends that the State party ensure that no woman or girl is pressured into giving such consent; and**

(b) **Make all legal amendments necessary to ensure that abortion up to the tenth week, or up to the twentieth week in the event of rape, are subject to the decision of the pregnant woman or girl alone.**

National human rights institution

20. The Committee notes that the National Human Rights Institution of Turkey has been replaced by the Turkish Human Rights and Equality Institution, to become operational soon, with the aim, inter alia, of promoting equality and assisting victims of discrimination, including sex-based discrimination. The Committee is, however, concerned:

(a) That the members of the board of the Institution are appointed by the President or the Government and therefore lack the independence required under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

(b) That gender equality issues may not receive the necessary attention and awareness, for example on intersecting forms of discrimination, or benefit from sufficient resources, given that the resources appear limited in view of the broad mandate of the Institution;

21. **The Committee recommends that, within a clear time frame, the State party:**

(a) **Bring the Turkish Human Rights and Equality Institution into full compliance with the Paris Principles, by ensuring an independent appointment process for its members, and provide it with sufficient resources to carry out its mandate adequately;**

(b) **Ensure capacity-building in gender equality for the members of the Institution and provide it with sufficient resources to carry out its mandate adequately regarding gender equality and non-discrimination of women.**

Access to justice and legal aid

22. The Committee is concerned about persisting barriers to women's access to justice, including:

(a) Lack of knowledge by women of their rights;

(b) Language barriers faced by women wishing to claim their rights, in particular Kurdish women, women belonging to other minorities and refugee women;

(c) Limited knowledge of gender equality on the part of law enforcement officials and legal practitioners;

(d) The limited scope of legal aid, both economically and substantively, resulting in non-eligibility for legal aid for women who earn the minimum wage, as well as the non-availability of legal aid in criminal proceedings, and the cumbersome procedure to prove eligibility when it exists;

(e) The lack of independent economic resources for, the limited power of and the lack of a separate unit for women and children within the Ombudsman Institution.

23. The Committee recommends that the State party strengthen capacity-building and awareness-raising programmes for all justice personnel to eliminate gender stereotyping and incorporate a gender perspective into all aspects of the justice system. It also recommends that the State party:

(a) Enhance women's awareness of their rights and their means of enforcing them, placing particular emphasis on the integration into curricula at all levels of education on women's rights and gender equality, including legal literacy programmes, and emphasizing the crucial role of women's access to justice and the role of men and boys as advocates and stakeholders for the promotion of women's rights;

(b) Ensure that free legal aid, including aid in Kurdish and Arabic, is made available to women without sufficient means, especially those earning the minimum wage, including through the establishment of legal aid clinics in rural or remote areas, and expand the project to support the improvement of legal aid practices for access to justice for all in Turkey carried out by the Union of Turkish Bar Associations in partnership with the United Nations Development Programme;

(c) Establish a special unit within the Ombudsman Institution on human rights protection for women and children, develop and implement a policy to ensure the advancement of women and ensure that it is adequately funded.

National machinery for the advancement of women

24. The Committee notes with concern that the ministry responsible for women and family affairs, which was placed under the direct authority of the Prime Minister with a particular position vis-à-vis line ministries, was replaced in 2011 by the Ministry of Family and Social Policies, with an increased focus on women's role in the family rather than women's rights and gender equality, and no specific indication of the resources allocated for women's rights and gender equality. It is also concerned that the awareness-raising training programmes offered by the General Directorate for the Status of Women to public servants, in particular, no longer routinely include gender equality modules. Moreover, the Committee is extremely concerned that the national action plan on gender equality (2015-2020) has not yet been formally approved and implemented.

25. **The Committee recommends that the State party:**

(a) **Strengthen the national machinery for the advancement of women, giving it an adequate mandate to ensure gender equality and allocating commensurate human, technical and financial resources to it, and ensure that it focuses on the rights of all women in the State party, independently of the family context;**

(b) **Ensure that the national machinery closely cooperates with the Ombudsman and the newly established Turkish Human Rights and Equality Institution;**

(c) **Approve and implement the national action plan on gender equality (2015-2020) to promote gender equality and eliminate discrimination against women and ensure that the awareness-raising training programmes offered by the General Directorate for the Status of Women to public servants, in particular, include gender equality modules.**

Temporary special measures

26. The Committee notes that article 10 of the Constitution provides for temporary special measures. It is concerned, however, that the State party's understanding and use of such measures appears to be limited to monetary transfers to women who find themselves in disadvantaged situations.

27. **The Committee recommends that the State party implement temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on the subject in order to accelerate substantive equality of women and men in all areas in which women are underrepresented or disadvantaged, including education, the labour market and political and public life. It also recommends that the State party provide capacity-building programmes to familiarize relevant officials with the concept of temporary special measures.**

Stereotypes and harmful practices

28. The Committee is concerned about the persistence of deep-rooted discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society. They overemphasize the traditional role of women as mothers and wives, thereby undermining women's social status, autonomy, educational opportunities and professional careers, as well as constituting an underlying cause of gender-based violence against women. It notes with concern that patriarchal attitudes are on the rise within State authorities and society, and that gender equality is being openly and increasingly undermined by vaguely defined concepts of "gender equity" or "gender justice". The Committee also notes with concern that high-level representatives of the Government have, on several occasions, made discriminatory and demeaning statements about women who do not adhere to traditional roles.

29. **The Committee recommends that the State party adopt a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women, in conformity with the provisions of the Convention. Such measures should include efforts at all levels, in collaboration with civil society,**

to educate the public and raise awareness of the negative impact of discriminatory stereotypes on women's enjoyment of their human rights.

30. The Committee is concerned about:

(a) The ongoing practice, especially in rural and remote areas, of giving girls as brides to settle blood feuds, and the continued payment of "bride prices" in certain regions;

(b) Reported cases of girls who have been raped or harassed being forced to marry their perpetrators in the name of preserving so-called family "honour";

(c) The significant number of child marriages, especially in deprived rural areas, their wide acceptance in society and the insufficient efforts made by the State party to prevent them and adequately punish perpetrators.

31. The Committee, drawing attention to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), recommends that the State party:

(a) Ensure that any form of sale or exchange of women and girls for the purpose of dispute settlement is criminalized, investigated and prosecuted and that perpetrators are adequately punished;

(b) Take the measures, including awareness-raising efforts and legal amendments, necessary to ensure that no victim of rape or harassment is forced into marriage with the perpetrator;

(c) Effectively implement the prohibition of child marriage, and strengthen awareness-raising efforts regarding the harmful effects of child marriage on the health and development of girls.

Gender-based violence against women

32. The Committee notes the adoption in 2012 of Law No. 6284 on the Prevention of Violence against Women and the Protection of the Family. It notes with concern, however, that the law does not criminalize domestic violence as such, and includes no provision relating to the prosecution or punishment of perpetrators. It is also concerned about the persistence of systematic and widespread gender-based violence against women in the State party, including sexual violence, psychological violence and deprivation of access to essential goods, against women in the private sphere, and notes with concern:

(a) That a large number of women are murdered by their intimate or former intimate partners or husbands or members of their families;

(b) That protection orders are rarely implemented and are insufficiently monitored, with such failure often resulting in prolonged gender-based violence against women or the killing of the women concerned;

(c) That violence is considerably underreported owing to stigmatization, fear of reprisals, economic dependence on the perpetrator, legal illiteracy, language barriers and/or lack of trust in the law enforcement authorities;

(d) That inadequate assistance and remedies are offered to women seeking to escape violent relationships, reflected, inter alia, in insufficient numbers of shelters

in an inadequate geographical distribution, inappropriate conditions for women in shelters including invasive searches, confiscation of the women's cell phones and restricted hours for entering and exiting the shelter, as well as the frequent practice of sending victims back to their abusive partners or compelling them to part with their children;

(e) That lenient judgments are given to perpetrators of sexual violence, including those found guilty of the rape of girls, and reduced sentences are imposed owing to the perpetrator's "good behaviour" during trial;

(f) That, despite the State party's ratification without reservations of the Istanbul Convention, which is welcomed by the Committee, discrimination and violence targeted at lesbian, bisexual and transgender women continues; this violence is exacerbated by impunity for the perpetrators of hate crimes, including severe violence against and killings of lesbian, bisexual and transgender women and by the lack of integration of "sexual orientation and gender identity" into legislation on hate crimes or into the prohibited grounds of discrimination in Law No. 6701, which is in violation of article 4 (3) of the Istanbul Convention, and by the courts' acceptance of the applicability of article 29 of the Penal Code on "unjust provocation" to cases of killings of lesbian, bisexual and transgender women, thus providing mitigating circumstances for perpetrators of such crimes.

33. **In line with its general recommendation No. 19 (1992) on violence against women and with Sustainable Development Goal 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee recommends that the State party strengthen its efforts to combat gender-based violence against women, including the underlying causes of such violence. It also recommends that the State party:**

(a) **Effectively implement its national action plan on combating violence against women (2016-2019);**

(b) **Adopt the necessary legislative amendments that explicitly criminalize domestic violence, so as to enable the prosecution and punishment of perpetrators;**

(c) **Vigorously monitor protection orders and sanction their violation, and investigate and hold law enforcement officials and judiciary personnel accountable for failure to register complaints and issue and enforce protection orders;**

(d) **Encourage reporting of domestic violence against women and girls, inter alia by launching awareness-raising campaigns through the media and public education programmes and by increasing the number of female judges and law enforcement officials, and ensure that reports are effectively investigated and victims provided with adequate assistance and protection;**

(e) **Provide women who cannot safely return to their homes with assistance to build an independent life; such assistance may include psychosocial support, vocational training to enable them to engage in income-generating activities and, if necessary to ensure their safety, a changed identity;**

(f) Establish a hotline, operating 24 hours a day, seven days a week, on gender-based violence against women, with operators who also speak Kurdish and Arabic;

(g) Ensure that irrelevant criteria, such as good conduct in court, do not serve as grounds to reduce the sentences of perpetrators of gender-based violence against women;

(h) In line with its general recommendations No. 19 and No. 28 (2010), on the core obligations of State parties under article 2 of the Convention, as well as the Istanbul Convention, exercise due diligence to protect lesbian, bisexual and transgender women against discrimination and violence, by including "sexual orientation and gender identity" in the legislation on hate crimes and among the grounds for prohibited discrimination in Law No. 6701, and ensure that perpetrators of violence against lesbian, bisexual and transgender women do not benefit from the mitigating circumstances provided for in article 29 of the Penal Code.

Killings and forced suicide in the name of so-called "honour"

34. The Committee is concerned about the persistence of crimes, including killings, committed in the name of so-called "honour", and about the relatively high number of forced suicides or disguised murders. It notes with concern that the State party's efforts to raise the awareness of the public in order to reject the concept of "honour" that perpetuates and condones the killing of women have been insufficient. It notes the information provided by the State party that article 29 of the Penal Code providing for mitigating circumstances in the case of "unjust provocation" is not applied to killings in the name of so-called "honour". The Committee is concerned, however, that this does not constitute a sufficient legal safeguard, given that the provision explicitly prohibiting the application of article 29 addresses only killings in the name of "custom" (*töre*) and thus may not always cover killings in the name of so-called "honour" (*namus*).

35. **The Committee recommends that the State party strengthen its efforts to prosecute and punish adequately all crimes committed in the name of so-called "honour", and:**

(a) Amend the Penal Code, with a view to excluding explicitly those crimes committed in the name of so-called "honour" from the application of article 29 of the Code;

(b) Ensure that suicides, accidents and other violent deaths of women and girls are effectively investigated, inter alia, by using forensic evidence, such as medical and/or psychological autopsy;

(c) Ensure that prosecutors and judges strictly apply article 84 of the Penal Code on suicide whenever its application is warranted;

(d) Dismantle the concept that the honour and prestige of a man or the family are intrinsically associated with the conduct or presumed conduct of women related to them, which is based on patriarchal attitudes and serves to control women and curb their personal autonomy and is incompatible with the Convention.

Women affected by the resurgence of violence between the Turkish security forces and the Kurdish Workers Party following the breakdown of the peace process in 2015

36. The Committee notes that the State party is currently facing a series of terrorist and other violent acts, and fully acknowledges the need to protect its citizens from such acts. The Committee recalls, however, that human rights must be protected, even in the context of counter-terrorism measures. The Committee notes with concern that a high number of predominantly Kurdish civilians, including many women, have reportedly been killed or have been subjected to violence, including sexual violence, committed in the context of counter-terrorism operations by the Turkish security forces against the Kurdish Workers Party (PKK), which is regarded as a terrorist organization by the State party and by certain other States, and affiliated youth factions in the south-east of the State party, especially in the context of the frequently imposed curfews, some of which were very long and may not always have a legal basis. In particular, the Committee is concerned about:

(a) Documented allegations that Kurdish women have been subjected to harassment, sexual violence and threats and that pictures of naked raped and/or killed women (both civilians and PKK militants) have been shared on social media by security forces as a means of intimidation;

(b) The fact that a large number of persons have been displaced from their homes, including many women, who are subjected to multiple and intersecting forms of discrimination and compelled to sleep on the streets where they are exposed to additional risks of sexual and other forms of violence;

(c) The fact that the national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security has not yet been adopted.

37. **In accordance with article 2 of the Convention, and taking into account its general recommendations No. 19, No. 28 and No. 30, the Committee recommends that the State party:**

(a) Take all possible steps to restore peace negotiations with PKK and affiliated youth factions and ensure that women and women's rights organizations are included in all peace negotiations and post-conflict efforts for rebuilding and reconstruction;

(b) Investigate, prosecute and adequately punish human rights violations perpetrated by the security and defence forces, as well as by PKK and any other armed group;

(c) Ensure that inquiries are conducted effectively, impartially and transparently, to ensure public trust in such proceedings, and establish an independent and impartial investigation mechanism for this purpose, with international assistance;

(d) Take immediate steps to ensure accountability and provide medical, psychological and other support for victims of sexual and other forms of violence, as well as adequate reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, to women who are victims of human rights violations committed in the context of armed conflict and counter-terrorism measures;

(e) Improve access by internally displaced women and girls to education, health and housing for themselves and their children and ensure that displaced women can return to their homes as swiftly as possible and that their homes are rehabilitated to decent conditions of housing.

38. The Committee furthermore calls upon the State party to establish a clear time frame for the finalization and adoption of the draft national action plan for the implementation of Security Council resolution 1325 (2000), in cooperation with representatives of women's organizations, and ensure that it takes into consideration the full spectrum of the Council's agenda on women and peace and security, as reflected in resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013), and is implemented without delay.

Trafficking and exploitation of prostitution

39. The Committee notes the efforts made by the State party to combat trafficking in persons. It is concerned, however, about the persistence of trafficking in women and girls, both internal and cross-border, for the purpose of sexual exploitation, including frequent cases of Syrian girls being trafficked into exploitation in prostitution through false promises of marriage and a better life in the State party, as well as about documented allegations that adolescent refugee girls are sold as brides from refugee camps in the State party. The Committee is furthermore concerned about:

(a) The fact that only four shelters for victims of trafficking are operational;

(b) The insufficient measures for early identification of victims of trafficking, as well as the insufficient protection services for them;

(c) Reports that victims of trafficking, including women engaging in prostitution, have been arrested, detained and deported for acts committed as a consequence of having been trafficked.

40. The Committee recommends that the State party step up its efforts to combat trafficking, and:

(a) Enhance training and capacity-building efforts for law enforcement and border officers to increase their ability to identify and provide assistance to potential victims of trafficking;

(b) Significantly increase the capacity of shelters for trafficking victims and ensure access to high-quality medical care, counselling, financial support and educational opportunities, in addition to access to free legal services;

(c) Ensure that women who are victims of trafficking and exploitation of prostitution are exempted from any liability and provided with adequate protection, such as witness protection programmes and temporary residence permits, irrespective of their ability or willingness to cooperate with the prosecutorial authorities.

Participation in political and public life

41. The Committee is concerned about the low participation of women at all levels of decision-making, both national and local, including within the Government and the parliament, which is below the global average and has even decreased following

the elections of November 2015, and among the judiciary and civil service, and the lack of specific steps to address the underlying causes, including prevailing social and cultural attitudes.

42. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, including quotas, benchmarks with specific time frames and training, in order to achieve the equal and full participation of women in political and public life and in decision-making at the local and national levels, as well as among the judiciary and civil service. It furthermore recommends that the State party implement awareness-raising activities for society as a whole about the importance of the participation of women in decision-making, including the participation of women belonging to disadvantaged or marginalized groups, and offer training programmes on leadership and negotiation skills for current and future women leaders.**

Education

43. The Committee remains concerned about the high dropout rate and underrepresentation among girls and women in vocational training and higher education, in particular in deprived rural areas and refugee communities. It notes that, under the newly adopted legislation, compulsory education has been extended to 12 years. The Committee is concerned, however, that this scheme also allows pupils, subject to parental approval, to opt for home schooling from 12 years of age and to continue their education at specialized religious schools (*hatip*). The Committee is concerned that this may have a particularly negative effect on girls, given that home- and religious-based education may reinforce the traditional role of girls as wives and mothers and may not be subjected to such rigorous monitoring as the State school system. Furthermore, the Committee notes with concern:

(a) That discriminatory stereotypes portraying women as mothers and housewives and men as active participants in economic and public life remain present in some textbooks, in particular textbooks for refugees, which are based on the Syrian curriculum;

(b) That there is a lack of education on sexual and reproductive health and rights in schools;

(c) That the school attendance levels of girls and women with disabilities are low, and educational opportunities for women and girls with disabilities are insufficient;

(d) That, in parts of the south-east of the State party, it is reported that nearly 50 per cent of girls are illiterate and even more do not continue education after primary school, owing to poverty and language barriers, given that public education is not accessible in Kurdish.

44. **In line with article 10 of the Convention, the Committee draws attention to Sustainable Development Goal 4.1 and calls upon the State party to ensure that all girls and boys complete free, equitable and high-quality primary and secondary education that leads to effective outcomes. It recommends that the State party encourage parents to allow their daughters to pursue in-school**

education and address the high dropout rates. It furthermore recommends that the State party:

(a) In line with Sustainable Development Goal 4.3 on ensuring equal access for all women and men to affordable and high-quality technical, vocational and tertiary education, including university education, develop a policy aimed at intensifying girls' access to higher education and technical and vocational training for women, in traditionally male-dominated fields and others;

(b) Implement the project on the promotion of gender equality in education, review and revise textbooks and include in the project the textbooks based on the Syrian curriculum and teaching materials, as well as conduct capacity-building programmes for teachers at all levels with a view to changing existing stereotypical views and attitudes towards the roles of women and men in the family and society;

(c) Ensure the integration into the school curricula of mandatory, age-appropriate sexual and reproductive health education, paying special attention to the prevention of early pregnancies and sexually transmitted diseases, as well as violence;

(d) Continue efforts to ensure access to education for refugee girls and address their particularly high dropout rates;

(e) Address the causes of the low enrolment rate of girls and women with disabilities and ensure adequate educational opportunities for women and girls with disabilities, inter alia, by integrating them into mainstream education;

(f) Implement further targeted policies and programmes to overcome educational disadvantages faced by girls and women belonging to minority linguistic and ethnic groups, especially in rural areas, inter alia by exploring the possibility of multilingual education, and address regional disparities.

Employment

45. The Committee notes with concern that the employment rate of women remains particularly low, and that housework is disproportionately carried out by women. It is furthermore concerned about:

(a) The higher rate of unemployment among women than among men, especially among young women;

(b) The persistent gender wage gap in the public sector and elsewhere;

(c) The significant number of women working in low-paid jobs in the informal sector in precarious conditions and without access to health insurance or social security.

46. The Committee recommends that the State party:

(a) Implement the action plan on women's employment;

(b) Adopt policies and specific legislative measures to eliminate employment discrimination against women and work towards ensuring equal opportunities at all levels for women in the labour market, in the formal sector and elsewhere;

(c) Develop job evaluation systems based on gender-sensitive criteria, with the aim of closing the existing gender wage gap in line with the Committee's general recommendation No. 13 (1989) on equal remuneration for work of equal value;

(d) Introduce statutory minimum wages applicable to all sectors of the labour market in order to raise salaries in female-dominated sectors, and take all other measures to guarantee a living wage.

Health

47. The Committee notes with concern:

(a) That access to sexual and reproductive health services, including modern contraceptives, is severely limited, especially for Kurdish women and other minority women, and for women living in rural and remote areas; thus resulting in a significant number of early and unwanted pregnancies;

(b) That the policy of free contraceptives and the legal framework on abortion are at risk of being jeopardized by repeated criticism from high-level representatives of the Government, and a large number of public hospitals refuse to perform abortions even though the termination of pregnancy is legal up to the tenth week of pregnancy, which compels many women to resort to very expensive private clinics or to unsafe abortion; and

(c) That, despite the increasing HIV infection rates, the State party lacks epidemiological data on groups who are particularly at risk for HIV/AIDS, and lacks counselling centres for HIV and sexually transmitted infections, which constitutes a significant barrier in combating the pandemic.

48. The Committee, drawing attention to its statement on sexual and reproductive health and rights (2014), recommends that the State party:

(a) Ensure equal and full access to sexual and reproductive health information and services for all women, including Kurdish women and women belonging to minority groups, which respect women's rights to autonomy, privacy, confidentiality, informed consent and choice, are safe and include access to modern forms of contraception, including emergency contraception, in all parts of the State party, including rural and remote areas;

(b) Take all measures necessary to safeguard the existing legal right to abortion and contraception, monitor hospitals and ensure that they respect their legal obligations to terminate pregnancies up to the tenth week, and up to the twentieth week in cases of rape, without imposing any additional conditions;

(c) Collect data on the prevalence of HIV and renew the national strategic action plan on HIV/AIDS (2011-2015) and set up counselling centres for HIV and sexually transmitted infections in all parts of the State party, including rural and remote areas.

Rural women

49. The Committee is concerned about the precarious situation of women in rural areas, who are disproportionately affected by poverty and have limited access to

education, employment, social security and health care. The Committee also notes with concern that women in rural areas are exposed to particularly discriminatory stereotypes about the traditional roles of women which, among other things, prevent them from participating in key domestic decisions.

50. The Committee, in line with its general recommendation No. 34 (2016) on the rights of rural women, recommends that the State party develop and implement measures, including temporary special measures, to accelerate the achievement of substantive equality for rural women in all areas in which they are underrepresented or disadvantaged, including political and public life, education, health and employment. It should put in place programmes to reduce the engagement of rural girls in unpaid care work, which constitutes a barrier to school attendance, and design and implement targeted measures to create income-generating opportunities for rural women in their localities.

Women in detention

51. The Committee is concerned about allegations that women in detention are subjected to sexual violence and torture and that many such cases are not adequately investigated or prosecuted.

52. The Committee, drawing attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), recommends that the State party ensure adequate conditions and protection from violence and abuse for women in detention. It recommends that the State party establish independent monitoring and oversight mechanisms, as well as independent complaint mechanisms, for example by installing closed complaints boxes, and enable detainees to correspond confidentially with outside judicial and complaints bodies.

Marriage and family relations

53. The Committee notes with concern:

(a) That the recent Constitutional Court judgment which, in effect, decriminalizes a religious marriage that was not preceded by a civil marriage, may provoke an increase in the number of polygamous and child marriages and may constitute a significant risk for women, given that unregistered religious marriages leave them with no economic protection guaranteed by civil law;

(b) That, despite the ruling of the European Court of Human Rights in 2013, instructing the State party to permit married women to maintain their own surname, article 187 of the Civil Code remains in place, and married women must resort to court proceedings to realize the right to maintain their own surname;

(c) That the recent draft report prepared by a parliamentary commission on divorce includes recommendations for legislative amendments to the current penal and divorce legal framework, such as allowing probation in cases of child sexual abuse which result in "unproblematic and successful marriages" and compelling mediation in the case of domestic violence.

54. The Committee calls upon the State party:

(a) To continue to take all measures necessary to eradicate polygamous and child marriages, including such unregistered religious marriages, and to ensure the civil registration of all marriages so as to guarantee the rights of all married women and their children;

(b) To amend existing legislation so as to ensure that women have equal rights to their names, in line with the ruling of the European Court of Human Rights and with article 16 of the Convention;

(c) To ensure that any future legal reform, including the outcome of the parliamentary commission on divorce, must be in line with article 16 of the Convention and the Committee's general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.

Beijing Declaration and Platform for Action

55. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

56. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

57. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

58. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to the concluding observations

59. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (c), 33 (b), (c) and (f) and 37 (c) above.

Preparation of the next report

60. The Committee invites the State party to submit its eighth periodic report in July 2020.

61. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).